

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL NOTE

SB 1925 - HB 2141

February 1, 2016

SUMMARY OF BILL: Creates an exception to the drug-free school zone statute, Tenn. Code Ann. § 39-17-432, for violations that occur when the school has not been in session for at least five consecutive days.

ESTIMATED FISCAL IMPACT:

Decrease State Expenditures – \$415,600/Incarceration*

Assumptions:

- Statistics from the Department of Correction (DOC), indicate that the following annual admissions relate to drug offenses committed within a drug-free school zone:
 - Class A felony – 9.4;
 - Class B felony – 14.7;
 - Class C felony – 9.8; and
 - Class D felony – 0.8.
- Under the bill, any admissions impacted by the bill will be punished one classification lower than under current law.
- It is assumed that one Class A felony per year, three Class B felonies every two years, one Class C felony each year, and one Class D felony every 10 years will be impacted by this bill.
- The average time served for a Class A felony is 17.35 years and 6.59 years for a Class B felony. The bill will result in one offender each year serving 10.76 years (17.35 – 6.59), or 3,930.09 fewer days than the offender would under current law.
- According to the DOC, the average operating cost per offender per day for calendar year 2016 is \$67.73.
- The bill will decrease annual incarceration costs by \$266,185.00 (3,930.09 x \$67.73).
- The average time served for a Class B felony is 6.59 years and 3.22 years for a Class C felony. The bill will result in three offenders every two years serving 3.37 years (6.59 – 3.22), or 1,230.89 fewer days than the offender would under current law.
- The bill will decrease annual incarceration costs by \$125,052.27 {[(1,230.89 x \$67.73) x 3 felonies] / 2 years }.
- The average time served for a Class C felony is 3.22 years and 2.32 years for a Class D felony. The bill will result in one offender each year serving 0.9 years (3.22 – 2.32), or 328.73 fewer than the offender would under current law.

- The bill will decrease annual incarceration costs by \$22,264.88 ($328.73 \times \67.73).
- The average time served for a Class D felony is 2.32 years and 1.47 years for a Class E felony. The bill will result in one offender every ten years serving 0.85 years ($2.32 - 1.47$), or 310.46 fewer than the offender would under current law.
- The bill will decrease annual incarceration costs by \$2,102.75 [$(310.46 \times \$67.73) / 10$ years].
- The total recurring decrease in incarceration costs is estimated to be \$415,604.90 ($\$266,185.00 + \$125,052.27 + \$22,264.88 + \$2,102.75$).

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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